



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2018-00303

June 27, 2019

Via email: 46369-38858952@requests.muckrock.com

Jimmy Tobias
MuckRock – Pacific Standard Magazine
DEPT MR 43775
411A Highland Avenue
Somerville, MA 02144-2516

Dear Mr. Tobias:

On December 4, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

All documents and communications related to Secretary of the Interior Ryan Zinke's travel expenses - including air and vehicle travel, security expenses, food expenditures and hotel accommodations - during his December 4, 2017 trip to Utah to announce the resizing of the Bears Ears National Monument and the Grand Staircase-Escalante National Monument.

We acknowledged your request on December 20, 2017 and advised you of your fee status under the FOIA. We are writing today to respond to your request on behalf of the Office of the Secretary. We are releasing one file consisting of 13 pages. Of those 13 pages, there are three pages contain redactions. Redactions are described below. In addition, two pages of records require consultation with another entity. We will notify you when consultation is complete.

Portions of the documents may be redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) because they fit certain categories of information:

Personal Information

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The courts have held that the phrase “similar files” involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency’s statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat'l Ass'n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Portions of the enclosed documents have been redacted pursuant to Exemption 7 of the FOIA (5 U.S.C. § 552(b)(7)).

Exemption 7 of the FOIA protects from disclosure “records or information compiled for law enforcement purposes” if such records fall within one or more of six additional categories. The records withheld under Exemption 7 were compiled for law enforcement purposes and therefore meet the threshold requirement of Exemption 7.

7(C)

Exemption 7(C) protects personal information in law enforcement records where release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Here, releasing records you are seeking would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency’s performance of its statutory duties. Therefore, we are withholding records under Exemption 7(C).

Tony Irish, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding any of the issues discussed in this letter, you may contact

Ryan McQuighan by phone at 202-513-0765, by fax at 202-219-2374, by e-mail at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C St, NW, MS-7328 MIB, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer